4307

BILL NO. S-78-11-37

SPECIAL ORDINANCE NO. S-231-78

AN ORDINANCE approving a contract for Water Contract #78-XP-1 between the City of Fort Wayne, Indiana and Bercot, Inc. for construction of a water main.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated November 6, 1978, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Bercot, Inc., for:

construction of a water main on Ardmore Avenue, beginning at a point 200± L.F. South of Engle Road, thence South 200± L.F.,

under Board of Public Works Water Contract #78-XP-1, at a total cost of $9,598.00, all as more particularly set forth in said contract which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Councilman

APPROVED AS TO FORM AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19__, at _____ o'clock ____ M.,E.S.T.

DATE: 11-14-78

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	5			4	
BURNS	X				
HINGA				X	
HUNTER	X				
MOSES	X				
NUCKOLS				X	
SCHMIDT, D.				X	
SCHMIDT, V.				X	
STIER	X				
TALARICO	X				

DATE: 11-28-78

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. G-231-78 on the 28th day of November, 19 78

ATTEST: (SEAL)

Charles W. Westerman per
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of November, 1978, at the hour of 11:30 o'clock A M.,E.S.T.

Charles W. Westerman per
CITY CLERK

Approved and signed by me this 4th day of December, 19 78 at the hour of 9:30 o'clock A M.,E.S.T.

Robert E. Armstrong
MAYOR

Bill No. S-78-11-37

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving a contract for Water Contract #78-XP-1 between the City of Fort Wayne, Indiana and Bercot, Inc. for construction of a water main

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

PAUL M. BURNS - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

WINFIELD C. MOSES, JR.

FREDRICK R. HUNTER

11-28-78
DATE

CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

B.O. 162-78

Date October 16, 1978- 66-202-6

To DON FOLAND - Water Engr.

Subject Water Contract 78-XP-1 Ardmore - Engle Road area

Contract awarded to Bercot, Inc. at and for their bid in the amount of $9,598 subject to councilmanic approval.

Please prepare contract.

H. P. WEHRENBERG
E. H. LAMAR
M. G SCOTT
BOARD OF PUBLIC WORKS

ajf

BOARD OF PUBLIC WORKS
OCT 20 1978

NOTED
☐ H.P.W.
EHL E.H.L.
☐ M.G.S.

RECEIVED
OCT 17 1978
FORT WAYNE WATER UTILITY
ENGINEERING DEPT.

Signed _____ Date _____

Reply:

October 20, 1978

The contract for the above project has been prepared and signed by representatives of Bercot, Inc. The original and one copy are attachet for your execution an d Council approval. After Council has approved it, please return for copying and distribution.

In order to keep ahead of approaching bad weather condition, it is urgent that prior approval be obtained fron the Council. I, therefor, ask that you request such approval from the Council so work can commence immediatly.

D. L. Foland, P.E.
Chief Water Engineer

Signed _____

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

AGREEMENT

FOR CONSTRUCTION OF ARDMORE AVENUE WATER MAIN EXTENSION CONTRACT #78-XP-1

THIS AGREEMENT, made and entered into this 6th day of November 1978, by and between BERCOT, INC., herein called CONTRACTOR, and the City of Fort Wayne, Indiana, an Indiana Municipal Corporation, herein called OWNER,

WITNESSETH that the Contractor and the Owner for the considerations hereinafter named, agrees as follows:

ARTICLE 1. SCOPE OF WORK

Contractor shall furnish all labor, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for the installation of 220± L.F. of 12" and 45± L.F. of 6" water main on Ardmore Ave., beginning at a point 200± L.F. south of Engle Road, thence south 220± L.F., all according to Fort Wayne Water Utility Drawing Y-10527, Sheet 1, and do everything required by the contract documents and this Agreement.

ARTICLE 2. THE CONTRACT SUM

The Owner shall pay the Contractor for the performance of the contract the unit price sum of $9598.00. In event the amount of work is increased or decreased by the Owner, the contract sum shall be increased or decreased according to the unit price schedule set forth in the Contractor's Proposal.

ARTICLE 3. PROGRESS PAYMENTS

The Owner shall make payments on account of the contract as provided herein, as follows:

Monthly progress payments will be made by the Utility upon submission of a statement of quantities of work completed and/or materials supplied to the job site as of the end of each month. On or about the 15th day of the following month, ninety (90%) percent of the value of the work performed up to the first day of that month (based on the contract price of labor and materials incorporated in the work) and as estimated by the Contractor and approved or revised by the Engineering Department of the Owner, less the aggregate of previous payments, will be paid by the Utility to the Contractor.

ARTICLE 4. ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due at the time the work is fully completed and the contract is fully performed.

Upon filing of a Completion Affidavit by the Contractor that the work is ready for final inspection and acceptance, the Board of Public Works will direct the Engineering Department of the Owner to promptly make such inspections. When the Engineering Department finds the work acceptable under the contract, and the contract is fully performed, it shall so inform the Board of Public Works who shall issue a final certificate stating that the work is provided for in this Contract has been completed and is accepted, and the entire balance of the Contract sum shall be due and payable to the Contractor.

At the time said payment is due and payable, the Contractor shall furnish the Owner, if requested to do so, satisfactory evidence that all persons who have supplied labor, material, or equipment for the work have been fully paid.

ARTICLE 5. GUARANTEE OF WORKMANSHIP

At the time the Completion Affidavit is filed, the Contractor shall furnish a one (1) year Guaranty Bond in favor of the City of Fort Wayne and in the amount of twenty-five (25%) percent of the total value of the final invoice.

ARTICLE 6. THE CONTRACT DOCUMENTS

The Instructions to Bidders, Specifications, Contractor's Proposal, and the Agreement form the Contract, and they are as fully a part of the Contract as if hereto attached or herein repeated. The following is an enumeration of these documents:

A. Instructions to Bidders for Contract #78-XP-1

B. Contractor's Proposal dated October 1, 1978

C. Supplemental Specifications for ARDMORE AVENUE WATER MAIN EXTENSION and Detailed Specifications and Conditions for the installation of Transmission and Distribution Mains, Contract #78-XP-1, and Fort Wayne Water Utility, Engineering Department Drawing No. Y-10527, Sheet 1 of 1.

D. Water Main Material Standards of the Fort Wayne Water Utility, Engineering Department, dated March 22, 1976, except as modified in the Supplemental Specifications.

ARTICLE 7. ADJUSTMENTS OF DISPUTES

All questions or controversies which may arise between the Contractor and the Owner under the provisions of this Contract shall be subject to the decision of the Chief Engineer of the Fort Wayne Water Utility of the Owner, and his decision shall be final and conclusive upon the parties.

Provided, however, no changes in the plans, specifications, or other phases of the work covered by this Contract will be permitted except on prior written authorization by the Board of Public Works.

ARTICLE 8. INDEMNITY

Contractor shall indemnify the Owner against any claim or loss incurred or arising out of the performance of the work as provided herein.

ARTICLE 9. COUNCILMANIC APPROVAL

This Agreement, although executed on behalf of the Owner by its Mayor and Board of Public Works, shall not be binding upon the Owner unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within ninety (90) days after the date hereof, then this Contract shall be and become wholly void.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BERCOT, INC.

BY: Paul Bercot
Paul Bercot, President

ATTEST:
W. Dean Bercot, Sect.-Treas.

CITY OF FORT WAYNE, INDIANA

BY: _____
Robert E. Armstrong, Mayor

ATTEST:
Ursula Miller
Ursula Miller, Clerk

BOARD OF PUBLIC WORKS:

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. LaMar
Ethel H. LaMar, Member

_____
Max G. Scott, Member

APPROVED AS TO FORM AND LEGALITY:
Associate City Attorney

Approved by the Common Council of the City of Fort Wayne on _____ day of _____, 1978.

Special Ordiance No._____

4307

TITLE OF ORDINANCE SPECIAL ORDINANCE - WATER CONTRACT #78-XP-1 - ARDMORE-ENGLE ROAD AREA

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS 8-78-11-37

SYNOPSIS OF ORDINANCE WATER CONTRACT #78-XP-1, FOR THE CONSTRUCTION OF A WATER MAIN ON ARDMORE AVENUE, BEGINNING AT A POINT 200+ L.F. SOUTH OF ENGLE ROAD, THENCE SOUTH 200+ L.F., IN AMOUNT OF $9598.00. CONTRACTOR FOR THE PROJECT: BERCOT, INC.

(CONTRACT ATTACHED)

EFFECT OF PASSAGE CONSTRUCTION OF WATER MAIN TO SERVE PROPERTY IN THE IMMEDIATE AREA ABOVE-DESCRIBED

EFFECT OF NON-PASSAGE INABILITY TO CONSTRUCT WATER MAIN AS PLANNED

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) $9598.00 FROM WATER UTILITY

ASSIGNED TO COMMITTEE

EP